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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 KEVIN KING,

11 Plaintiff,

No. CIV S-04-1158 MCE KJM P

12 vs.

13 DEPUTY COLEMAN,

14 Defendant.

ORDER

15 _____/
16 Plaintiff is a state prison inmate proceeding pro se with a civil rights action under
17 42 U.S.C. § 1983, alleging that he was injured in a van accident while in the custody of the San
18 Joaquin County Sheriff's Department and was thereafter denied medical treatment for his
19 injuries. He has filed a motion to quash defendants' subpoena for his records maintained by the
20 California Department of Corrections and Rehabilitation. He has attached a copy of the
21 subpoena which seeks, among other things, information about plaintiff's behavioral problems,
22 discipline history, classification chronology, work and school history, ADA history, and
23 grievance history. Plaintiff argues that the records contain material not germane to the
24 underlying action. Defendants have not responded to the motion; their motion for summary
25 judgment includes reliance on only one page that appears to be part of plaintiff's medical

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1 records. See Decl. of William D. Johnson, Ex. B. Nevertheless, plaintiff's objection appears to
2 be well taken.

3 IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion to quash the subpoena (docket no. 56) is granted. Within
5 twenty days of the date of this order, defendants must provide this court with a list of the
6 materials obtained from plaintiff's central file apart from the medical records relevant to the
7 issues raised in this action and a certification that those materials have been destroyed; in the
8 alternative, defendants may list the materials obtained and explain their relevance to this action.

9 2. In light of the pending motion for summary judgment, the remaining dates in
10 the scheduling order (docket no. 51)—the dates for filing pretrial statements, pretrial conference,
11 and trial—are hereby vacated, to be reset, if necessary, following resolution of the motion for
12 summary judgment.

13 3. Defendants are directed to comply with Local Rule 5-133(j) within twenty
14 days of the date of this order.

15 DATED: June 5, 2008.

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17 U.S. MAGISTRATE JUDGE
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